

6750-0005.22 (IT01.U03.US4)

PATENT

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By: Sail Wrishwell

Gail Wardwell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of F	FITZ	et	al.
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Serial No.: 10/752,438

Examiner: Unassigned

Confirmation No.:

Art Unit:

Unassigned

Filed:

January 5, 2004

For:

PATIENT SELECTABLE JOINT KNEE ARTHROPLASTY DEVICES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

[X]	In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
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The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 18-1648.

Dated: 3-19-04

Respectfully submitted,

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Palo Alto, CA 94303 Tel: (650) 493-3400 Fax: (650) 493-3440 By:

Dahna S. Pasternak Reg. No. 41,411

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	637				Application Number	10/752,438	
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PADEM	Sheet	1	of	6	Attorney Docket Number	6750-0005.22	

		U.S. Patent Document			Date of Publication of Cited
Examiner Initials*	Cite No.1	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Document MM-DD-YYYY
	A1	3,798,679		Ewald	03-26-1974
	A2	4,052,753		Dedo	10-11-1977
	A3	4,055,862		Farling	11-01-1977
	A4	4,085,466		Goodfellow et al.	04-25-1978
	A5	4,340,978		Buechel et al.	07-27-1982
	A6	4,502,161		Wall	03-05-1985
	A7	4,609,551		Caplan et al.	09-2-1986
	A8	4,627,853		Campbell et al.	12-9-1986
400.00	A9	4,769,040		Wevers	09-06-1988
	A10	4,846,835		Grande	07-11-1989
	A11	4,865,607		Witzel et al.	09-12-1989
	A12	4,880,429		Stone	11-14-1989
	A13	5,041,138		Vacanti et al.	08-20-1991
	A14	5,059,216	A	Winters	10-22-1991
	A15	5,067,964		Richmond et al.	11-26-1991
	A16	5,133,759	A	Turner	07-28-1992
	A17	5,171,322	A	Kenny	12-15-1992
	A18	5,197,985	-	Caplan et al.	03-30-1993
	A19	5,206,023		Hunziker	04-27-1993
	A20	5,226,914		Caplan et al.	07-13-1993
	A21	5,270,300		Hunziker	12-14-1993
	A22	5,306,311		Stone et al.	04-26-1994
	A23	5,314,482	A	Goodfellow et al.	05-24-1994
	A24	5,368,858		Hunziker	11-29-1994
	A25	5,468,787		Braden et al.	11-21-1995
	A26	5,510,121		Rhee et al.	04-23-1996
	A27	5,556,432	A	Kubein-Meesenburg et al.	09-17-1996
÷	A28	5,632,745	1	Schwartz et al.	05-27-1997
	A29	5,749,874		Schwartz et al.	05-12-1998
	A30	5,769,899	,	Schwartz et al.	06-23-1998
· · · · · · · · · · · · · · · · · · ·	A31	5,786,217		Tubo et al.	07-28-1998
	A32	5,842,477	<u> </u>	Naughton et al.	12-1-1998
	A33	5,853,746		Hunziker	12-29-1998
	A34	5,871,542	A	Goodfellow et al.	02-16-1999
-	A35	5,871,546	A	Colleran et al.	02-16-1999
	A36	5,879,390	A	Kubein-Meesenburg et al.	03-09-1999

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Unique citation designation number.
 See attached Kinds of U.S. Patent Documents.

Sub	ostitute for	form 1449A/P'	го	Complete if Known				
				Application Number	10/752,438			
INFORMATION DISCLOSURE				Filing Date	January 5, 2004			
SI	TATEM	MENT BY	APPLICANT	First Named Inventor	FITZ et al.			
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neet	2	of	6	Attorney Docket Number	6750-0005.22			

			U.S. P	ATENT DOCUMENTS		
Examiner	Cite No.1			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
	A37	5,900,245		Sawhney et al.	05-4-1999	
	A38	5,906,934		Grande et al.	05-25-1999	
	A39	5,939,323		Valentini et al.	08-17-1999	
	A40	5,972,385		Lui et al.	10-26-1999	
	A41	6,046,379	A	Stone et al.	04-04-2000	
	A42	6,082,364		Balian et al.	07-4-2000	
	A43	6,090,144	T A	Letot et al.	07-18-2000	
	A44	6,093,204	A	Stone	07-25-2000	
	A45	6,110,209		Stone	08-29-2000	
	A46	6,120,541	A	Johnson	09-19-2000	
	A47	6,126,690		Ateshian et al.	10-3-2000	
	A48	6,139,578	-	Lee et al.	10-31-2000	
	A49	6,200,606	B1	Peterson et al.	03-13-2001	
	A50	6,203,576		Afriat et al.	03-20-2001	
	A51	6,214,369	B1	Grande et al.	04-10-2001	
	A52	6,217,894	B1	Sawhney et al.	04-17-2001	
	A53	6,251,143		Schwartz et al.	06-26-2001	
	A54	6,277,151	-	Lee et al.	08-21-2001	
	A55	6,281,195		Rueger et al.	08-28-2001	
	A56	6,283,980		Vibe-Hansen et al.	09-4-2001	
	A57	6,299,905		Peterson et al.	10-9-2001	
	A58	6,371,958		Overaker	04-16-2002	
	A59	6,379,367	-	Vibe-Hansen et al.	04-30-2002	
	A60	6,383,228		Schmotzer	05-7-2002	
	A61	6,429,013	B1	Halvorsen et al.	08-6-2002	
	A62	6,444,222	Bl	Asculai et al.	09-3-2002	
···	A63	6,459,948	B1	Ateshian et al.	10-2002	
	A64	6,468,314	B2	Schwartz et al.	10-22-2002	
	A65	6,558,421	B1	Fell et al.	05-06-2003	
	A66	2001/0010023	Al	Schwartz et al.	07-26-2001	
	A67	2001/0039455	Al	Simon et al.	11-8-2001	
	A68	2002/0013626	Al	Geistlich et al.	01-31-2002	

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	Signature	Considered	

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 See attached Kinds of U.S. Patent Documents.

Sul	bstitute for forn	n 1449A/PT	0	Complete if Known Application Number 10/752,438			
IN	NFORMAT	TION DI	SCLOSURE	Filing Date	January 5, 2004		
S	TATEME	NT BY A	PPLICANT	First Named Inventor	FITZ et al.		
				Group Art Unit	Unassigned		
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Sheet	3	of	6	Attorney Docket Number	6750-0005.22		

U.S. PATENT DOCUMENTS						
		U.S. Patent Document			Date of Publication of Cited	
Examiner Initials*	Cite No.1	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Document MM-DD-YYYY	
	A69	2002/0045940	Al	Giannetti et al.	04-18-2002	
	A70	2002/0068979	<u> </u>	Brown et al.	06-06-2002	
	A71	2002/0082703		Repicci	06-27-2002	
	A72	2002/0106625	A1	Hung et al.	08-2002	
	A73	2002/0115647	Al	Halvorsen et al.	08-22-2002	
	A74	2002/0120274	A1	Overaker et al.	08-29-2002	
	A75	2002/0120281	A1	Overaker et al.	08-29-2002	
	A76	2002/0133230		Repicci	09-19-2002	
	A77	2002/0151986	A1	Asculai et al.	10-17-2002	
	A78	2002/0156150	A1	Williams et al.	10-24-2002	
	A79	2003/0055500		Fell et al.	03-20-2003	
	A80	2003/0055501		Fell et al.	03-20-2003	
	A81	2003/0060882		Fell et al.	03-27-2003	
	A82	2003/0060883		Fell et al.	03-27-2003	
	A83	2003/0060884		Fell et al.	03-27-2003	
	A84	2003/0060885		Fell et al.	03-27-2003	
	A85	2003/0100953		Rosa et al.	05-29-2003	
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 See attached Kinds of U.S. Patent Documents.

				FOREIGN	PATENT DOCUMENTS		
Examiner Initials*	Cite No.1	Office ¹	Foreign Patent Doo	Kind Code ³ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T⁴
	B1	EP	0 528 080	A1	Stryker Corporation	02-24-1993	
	B2	EP	0 530 804	A1	Shaw, Robert Francis	03-10-1993	
	B3	EP	0 613 380	A1	BRADEN, Michael et al.	09-07-1994	
	B4	EP	0 732 091	A2	Michael Pappas	09-18-1996	
	B5	EP	0 809 987	A2	Howmedica International Inc.	12-03-1997	
	B6	EP	0 814 731	Al	Matrix Biotechnologies, Inc.	01-07-1998	
	B7	EP	0 833 620	B1	Yeda Research and Development Co. Ltd.	04-08-1998	
	B8	EP	0 896 825	B1/A1	Sulzer Innotec AG	02-17-1999	
	B9	EP	1 077 253	A1	Zen Bio, Inc.	02-21-2001	
	B10	EP	1 120 087	A2	Depuy Orthopaedics, Inc.	08-1-2001	
	B11	EP	1 129 675	A2	Ethicon, Inc.	09-5-2001	
	B12	EP	1 234 552	Al	Ethicon, Inc.	08-28-2002	
	B13	EP	1 234 555	A2	Ethicon, Inc.	08-28-2002	
	B14	GB	2 348 373	A	Corin Limited	10-04-2000	
	B15	GB	2 291 355	A	British Technology Group Limited	01-24-1996	
	B16	JP	9206322	A2	Tomita Naohide Mizuho Ika Kogyo KK	08-12-1997	
	B17	JP	1249049	A2	Kyocera Corp	10-04-1989	
	B18	JP	8173465	A2	Kyocera Corp	07-09-1996	
	B19	wo	90/09769	Al	Regen Corporation	09-07-1990	
	B20	wo	93/04710	A2	SHAW, Robert, Francis	03-18-1993	
	B21	wo	93/09819	Al	BRADEN, Michael et al.	05-27-1993	
	B22	wo	95/27450	Al	Corin Medical Limited	10-19-1995	1
	B23	wo	95/30390	Al	Ysebaert S.A.	11-16-1995	
	B24	wo	96/24302	Al	SCHWARTZ, Robert, E.	08-15-1996	<u> </u>
	B25	wo	97/25942	Al	North Shore University Hospital Research Corporation	07-24-1997	
	B26	wo	97/38676	Al	Depuy Orthopaedics, Inc.	10-23-1997	1
	B27	wo	98/30617	Al	Smith & Nephew PLC	07-16-1998	
	B28	wo	99/02654	A1	Depuy Orthopaedics, Inc.	01-21-1999	
	B29	wo	99/08728	Al	Sulzer Innotec AG	02-25-1999	
	B30	wo	99/42061	A1	Anmelder und Erfinder	08-26-1999	1
	B31	wo	99/47186	Al	Wayne State University	09-23-1999	
	B32	wo	99/51719	A1	Tissue Engineering, Inc.	10-14-1999	
	B33	wo	00/09179	A2	Verigen Transplantation Service International (VTSI) AG	02-24-2000	

Examiner Date	
Signature Considered	

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¹ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

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Substitute for form 1449A/PTO	Complete if Known		
	Application Number	10/752,438	
INFORMATION DISCLOSURE	Filing Date	January 5, 2004	
STATEMENT BY APPLICANT	First Named Inventor	FITZ et al.	
	Group Art Unit	Unaccioned	

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Examiner Name

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!	Office ¹	Number ²	Kind Code ³ (if known)	Document	of Cited Document MM-DD-YYYY	T⁴
B34	wo	00/48550	A2	Sulzer Biologics, Inc.	08-24-2000	
B35	wo	00/74554	A2	Matrix Biotechnologies Inc.	12-14-2000	
B36	wo	01/17463	A1	MANSMANN, Kevin, A.	03-15-2001	
B37	wo	01/35968	A1	Children's Medical Center Corporation	05-25-2001	
B38	wo	01/45764	A1	Verigen Transplantation Service International AG	06-28-2001	
B39	wo	01/68800	Al	The Trustees Of Columbia University In The City Of New York	09-2001	
B40	wo	01/70142	A2	Kinamed, Inc.	09-27-2001	
B41	wo	01/91672	Al	SIMON, Timothy et al.	12-6-2001	
B42_	wo	02/36147	A1	Orquest, Inc.	05-10-2002	
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	B35 B36 B37 B38 B39 B40 B41	B34 WO B35 WO B36 WO B37 WO B38 WO B39 WO B40 WO B41 WO	B34 WO 00/48550 B35 WO 00/74554 B36 WO 01/17463 B37 WO 01/35968 B38 WO 01/45764 B39 WO 01/68800 B40 WO 01/70142 B41 WO 01/91672	B34 WO 00/48550 A2	B34 WO 00/48550 A2 Sulzer Biologics, Inc.	Document MM-DD-YYYY

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			PPLICANT	First Named Inventor	FITZ et al.	
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Sheet	6	of	6	Attorney Docket Number	6750-0005.22	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	C1	LEENSLAG, J.W. et al., "A porous composite for reconstruction of meniscus lesions," <i>Biological and Biomechanical Performance of Biomaterials</i> , 1986, pp. 147-152, P. Christel, A. Meunier, A.J.C. Lee (Eds.) (ISBN 0444426663)			
	C2	MacINTOSH, D.L., "Arthroplasty of the knee in rheumatoid arthritis," <i>Proceedings and Reports of Councils and Associations</i> , Feb. 1966, Vol. 48 B, No. 1, p. 179 (Abstract)			
	C3	MacINTOSH, D.L., "Hemiarthroplasty of the knee using a space occupying prosthesis for painful varos and valgus deformities," Proceeding, Dec. 1958, Vol. 40 A, No. 6, p. 1431 (Abstract)			
	C4	PLATT, G. and PEPLER, C., "Mould arthroplasty of the knee: a ten-year follow-up study," <i>The Journal of Bone and Joint Surgery</i> ," Feb. 1969, Vol. 51 B, No. 1, pp. 76-87			
	C5	VANDE BERG, B.C. et al., "Assessment of knee cartilage in cadavers with dual-detector spiral CT arthrography and MR imaging," Radiology, Feb. 2002, 222:430-436			
	C6	X-RAY STRUCTURE DETERMINATION: A PRACTICAL GUIDE, 2 nd Ed. Editors Stout and Jensen, 1989, John Wiley & Sons, Title page and Table of Contents pages only (ISBN 0471607118)			
	C7	BODY CT: A PRACTICAL APPROACH, Editor Slone, 1999 McGraw-Hill publishers, Title page and Table of Contents pages only (ISBN 007058219x)			
-	C8	X-RAY DIAGNOSIS: A PHYSICIAN'S APPROACH, Editor Lam, 1998, Springer-Verlag publishers, Title page and Table of Contents pages only (ISBN 9813083247)			
	C9	MRI BASIC PRINCIPLES AND APPLICATIONS, Second Ed., Mark A Brown and Richard C. Semelka, 1999, Wiley-Liss Inc., Title page and Table of Contents pages only (ISBM 0471330620)			
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